

MAY 18 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Applicant: Kimble ) Art Unit: 2174  
Serial No.: 09/775,692 ) Examiner: Ke  
Filed: February 2, 2001 ) 50N3463.01  
For: WEB BROWSER PLUG IN FOR TV ) May 17, 2006  
750 B Street, Suite 3120  
San Diego, CA 92101  
Customer No.: 36738

**RESPONSE TO NOTICE OF ABANDONMENT; RENEWED PETITION UNDER 37 CFR 1.137(b)**

Commissioner for Patents  
Alexandria, VA 22313  
Facsimile No.: (571) 273-8300

Dear Sir:

In response to the Notice of Abandonment dated April 24, 2006 and the Decision Dismissing Petition mailed on March 21, 2006 as obtained from the PAIR system, applicant submits the following statement:

The Notice of Abandonment, along with the Decision Dismissing Petition was sent to the correspondence address of counsel no longer of record. Although a Revocation Power of Attorney with New Power of Attorney and Change of Correspondence Address form was filed on January 12, 2006 and the acknowledgment postcard was date stamped by the USPTO on January 17, 2006, the Decision to Dismiss states that "the address in the petition filed on January 30, 2006 is different from the correspondence record". OIPE was contacted and the correspondence address has been changed to the address associated with Customer No. 24955 as of May 17, 2006.

The Decision to Dismiss Petition indicates that the Petition to Revive was dismissed due to insufficient funds in the deposit account listed on the originally filed transmittal letter of January 30, 2006. Inadvertently, an incorrect deposit account was submitted. On April 5, 2006 immediately upon knowledge of the error, counsel contacted Mr. Doug Lindsay in the Office of Finance and gave him the correct deposit account which submitted herewith. Mr. Lindsay has given us his assurance that the fees for the Petition for Revival and fees for the Petition for a three month extension of time were processed on May 17, 2006.

Enclosed herewith is the following:

1. A copy of the Notice of Abandonment and the Decision Dismissing Petition.
2. The originally filed Petition for Revival of an Application for Patent Abandoned Unintentionally (2 pgs.)
3. The originally filed Petition for Extension of Time Under 37 CFR 1.136(a) (1pg).
4. The originally filed Response to the Office Action (3 pgs).

We are transmitting a total of 5 page(s) including this cover sheet.

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CASE NO.: 50N3363.01  
Serial No.: 09/775,692  
May 17, 2006  
Page 2

PATENT  
Filed: February 2, 2001


5. The originally filed Revocation Power of Attorney with New Power of Attorney and Change of Correspondence Address.

The fees for the Petition to Revive and the Petition for three month extension of time was charged to Deposit Account No. 19-3195 on May 17, 2006. In the event of non-payment or improper payment of a required fee, the Commissioner is authorized to charge or to credit Sony Deposit Account No. 19-3195 as required to correct the error.

The following fees were charged to Deposit Account No. 19-3195 on May 17, 2006, thus no additional fees are due:

1. \$1500 - Petition for Revival
2. \$1020 - Petition for (3) Three Month Extension of Time

Respectfully submitted,

  
\_\_\_\_\_  
John L. Rogitz  
Registration No. 33,549  
Attorney of Record  
750 B Street, Suite 3120  
San Diego, CA 92101  
Telephone: (619) 338-8075

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## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 143  
Alexandria, Virginia 22313-1430  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/775,692	02/02/2001	David Michael Kimble	SON3463.01	8893
26331	7390	04/24/2006	EXAMINER	
MERLE W. RICHMAN, III P.O. BOX 3333 LA JOLLA, CA 92038			KE. FENO	
			ART UNIT	PAPER NUMBER
			2174	

DATE MAILED: 04/24/2006


Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Notice of Abandonment</b>	Application No.	Applicant(s)	
	09/775,692	KIMBLE ET AL.	
	Examiner	Art Unit	
	Peng Ke	2174	

- The MAILING DATE of this communication appears on the cover sheet with the correspondence address-

This application is abandoned in view of:

- ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 02 May 2005.
  - ☐ A reply was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.
  - ☐ A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection. (A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
  - ☐ A reply was received on \_\_\_\_\_ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
  - ☒ No reply has been received.
- ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
  - ☐ The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
  - ☐ The submitted fee of \$\_\_\_\_\_ is insufficient. A balance of \$\_\_\_\_\_ is due.  
The issue fee required by 37 CFR 1.18 is \$\_\_\_\_\_. The publication fee, if required by 37 CFR 1.18(d), is \$\_\_\_\_\_.
  - ☐ The issue fee and publication fee, if applicable, has not been received.
- ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
  - ☐ Proposed corrected drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.
  - ☐ No corrected drawings have been received.
- ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
- ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
- ☐ The decision by the Board of Patent Appeals and Interference rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
- ☒ The reason(s) below:  
  
The petition to revive was dismissed.

  
 KRISTINE KINCAID  
 SUPERVISORY PATENT EXAMINER  
 TECHNOLOGY CENTER 2100

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.



## UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22315-1450  
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MERLE W. RICHMAN, III  
P.O. BOX 3333  
LA JOLLA CA 92038

**COPY MAILED**

**MAR 21 2006**

**OFFICE OF PETITIONS**

In re Application of :  
Kimble et al. : DECISION DISMISSING  
Application No. 09/775,692 : PETITION  
Filed: 2 February, 2001 :  
Atty Docket No. 50N3463.01 :

This is a decision on the petition under 37 CFR 1.137(b),<sup>1</sup> filed on 30 January, 2006.

The petition is DISMISSED.

<sup>1</sup> Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional utility or plant application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continuing examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof. In an application, abandoned for failure to pay the publication fee, the required reply must include payment of the publication fee.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).

Application No. 09/775,692

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[REDACTED] for reconsideration of this decision [REDACTED] is submitted [REDACTED] decision. Extensions of time under 37 CFR 1.136(a) are permitted. [REDACTED] [REDACTED] This is not a final agency decision.

The application became abandoned on 3 August, 2005, for failure to file a timely reply to the final Office action mailed on 2 May, 2005, which set a three (3) month shortened statutory period for reply. No extensions of the time for reply in accordance with 37 CFR 1.136(a) were obtained. The filing of the present petition precedes the mailing of Notice of Abandonment.

In the absence of the petition fee, which is required by law, the USPTO can only treat the instant petition as a (feeless 1.181) petition to withdraw the holding of abandonment. As petitioner has not asserted any grounds for the withdrawal of the holding of abandonment, the petition must be dismissed.

The PTO will not reach the merits of any petition under 37 CFR 1.137 lacking the requisite petition fee.<sup>2</sup>

While the petition requests that the petition fee be charged to counsel's deposit account, No. 50-1119, a review of Office financial records reveals that counsel's deposit account has a balance of \$100.00 on 31 January, 2006. An amount sufficient to cover all fees, services, copies, etc., requested must always be on deposit. Charges to accounts with insufficient funds will not be accepted.<sup>3</sup>

The address in the petition is different from the correspondence record. A copy of this decision is being forwarded to the address in the petition. All future correspondence will be mailed solely to the address of record.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

<sup>2</sup> See Krahn v. Comm'r, 15 USPQ2d 1823, 1825 (E.D. Va. 1990).

<sup>3</sup> 37 CFR 1.25.

Application No. 09/775,692

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By FAX: (571)273-8300  
Attn: Office of Petitions

By hand: Customer Service Window  
Mail Stop Petition  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

Telephone inquiries should be directed to the undersigned at 571-272-3231.



Douglas I. Wood  
Senior Petitions Attorney  
Office of Petitions

cc: John L. Rogitz  
750 B Street, Suite 3120  
San Diego CA 92101

USPTO 1/30/2006 4:06 PM PAGE 1/001 Fax Server  
 Auto-reply fax to 16193388078 COMPANY:

## Auto-Reply Facsimile Transmission



TO:

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Received  
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=====

FROM: ROGITZ 619 338 8078 (THU) MAY 18 2006 13:58/ST. 8:48/No. 6833031168 P 1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Applicant: Kinable ) Art Unit: 2174  
 Serial No.: 09/773,892 ) Examiner: Ke  
 Filed: February 1, 2001 ) S/N: 3463.01  
 For: WEB BROWSER PLUG IN FOR TV ) January 30, 2006  
 ) 750 B Street, Suite 3120  
 ) San Diego, CA 92101  
 ) Customer No.: 36738

**FACSIMILE TRANSMITTAL LETTER FOR RESPONSE TO OFFICE ACTION AND PETITION FOR EXTENSION OF TIME**

Commissioner for Patents  
 Alexandria, VA 22313  
 Facsimile No.: (571) 273-3348

Dear Sir:


In response to the Office Action dated May 2, 2003, enclosed are the following:

1. A Petition for Revival of an Application for Patent Abandoned Unintentionally (3 pgs.)
2. Petition for Extension of Time Under 37 CFR 1.136(b) (1pg).
3. Response to the Office Action (3 pgs.).

The Commissioner is authorized to charge the following fee to Deposit Account No. 30-1115 and is additionally authorized to credit overpayments or charge back to address to close fund balance, should they be required under 37 CFR 1.19 or 1.27.

1. \$1500 - Petition for Revival
2. \$1020 - Petition for (3) Three Month Extension of Time

Respectfully submitted,

  
 Aubrey L. Rogitz  
 Registration No. 31,349  
 Attorney of Record  
 750 B Street, Suite 3120  
 San Diego, CA 92101  
 Telephone: (619) 338-8078

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PAGE 17 \* RCVD AT 5/18/2006 3:58:55 PM [Eastern Standard Time] \* SVR:USPTO-EFXXF-2/9 \* DNIS:2738300 \* CSID:16193388078 \* DURATION (mm-ss):05-22



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Applicant: Kimble

Serial No.: 09/775,692

Filed: February 2, 2001

For: WEB BROWSER PLUG IN FOR TV

) Art Unit: 2174

) Examiner: Ke

) 50N3463.01

) January 30, 2006

) 750 B Street, Suite 3120

) San Diego, CA 92101

) Customer No.: 36738

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MAY 18 2006

**FACSIMILE TRANSMITTAL LETTER FOR RESPONSE TO OFFICE ACTION AND PETITION  
FOR EXTENSION OF TIME**Commissioner for Patents  
Alexandria, VA 22313  
Facsimile No.: (571) 273-8300

Dear Sir:


In response to the Office Action dated May 2, 2005, enclosed are the following:

1. A Petition for Revival of an Application for Patent Abandoned Unintentionally (2 pgs.)
2. Petition for Extension of Time Under 37 CFR 1.136(a) (1pg).
3. Response to the Office Action (3 pgs).

The Commissioner is authorized to charge the following fees to Deposit Account No. 50-1119 and is additionally authorized to credit overpayments or charge fees in addition to those listed below, should they be required under 37 CFR 1.16 or 1.17.

1. \$1500 - Petition for Revival
2. \$1020 - Petition for (3) Three Month Extension of Time

Respectfully submitted,

  
John L. Rogitz  
Registration No. 33,549  
Attorney of Record  
750 B Street, Suite 3120  
San Diego, CA 92101  
Telephone: (619) 338-8075We are transmitting a total of 7 page(s) including this cover sheet.IF YOU DO NOT RECEIVE ALL TRANSMITTED PAGES, PLEASE CALL US AT:  
619/338-8075**ORIGINAL DOCUMENTS WILL BE SENT VIA:**

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PTO/SB/84 (10-05)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT  
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)

50N4363.01

First named inventor: David Michael Kimble

Application No.: 09/775,692

Art Unit: 2174

Filed: February 2, 2001

Examiner: Ke

Title: Web Browser Plug In for TV

Attention: Office of Petitions  
Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
FAX (571) 273-8300NOTE: If information or assistance is needed in completing this form, please contact Petitions  
Information at (571) 272-3282.The above-identified application became abandoned for failure to file a timely and proper reply to a notice or  
action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration  
date of the period set for reply in the office notice or action plus an extensions of time actually obtained.**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications  
filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

**1. Petition fee**☐ Small entity-fee \$ \_\_\_\_\_ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.☒ Other than small entity - fee \$ 1500 (37 CFR 1.17(m))**2. Reply and/or fee**A. The reply and/or fee to the above-noted Office action in  
the form of Response to Office Action, Petition for 3 month Extension (identify type of reply):☐ has been filed previously on \_\_\_\_\_  
☒ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$ \_\_\_\_\_

☐ has been paid previously on \_\_\_\_\_  
☐ is enclosed herewith.

(Page 1 of 2)

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the  
USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to  
complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any  
comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer,  
U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED  
FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PTO/SB/64 (10-05)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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## 3. Terminal disclaimer with disclaimer fee

☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. (NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).)

**WARNING:**

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

  
 Signature

 January 30, 2006  
 Date

JOHN L. ROGITZ

Typed or printed name

33,549

Registration Number, if applicable

750 B STREET, SUITE 3120

Address

619.338.8075

Telephone Number

SAN DIEGO, CALIFORNIA 92101

Address

Enclosures: ☒ Fee Payment☒ Reply☐ Terminal Disclaimer Form☐ Additional sheets containing statements establishing unintentional delay☒ Other: Petition for 3 month extension**CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]**

I hereby certify that this correspondence is being:

☐ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.☒ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office as (571) 273-8300.
 January 30, 2006  
 Date

  
 Signature
Jennifer Grygiel  
Typed or printed name of person signing certificate

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(THU) MAY 18 2006 8:52/ST. 8:48/No. 6833031168 P 12

MAY 18 2006

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE  
Under the paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a)  
FY 2005

(Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).)

Docket Number (Optional)

50N3463.01

Filed February 2, 2001

Application Number 09/775,692

For Web Browser Plug In For TV

Examiner Ke

Art Unit 2174

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above identified application.

The requested extension and fee are as follows (check time period desired and enter the appropriate fee below):

	Fee	Small Entity Fee	
<input type="checkbox"/> One month (37 CFR 1.17(a)(1))	\$120	\$60	\$ _____
<input type="checkbox"/> Two months (37 CFR 1.17(a)(2))	\$450	\$225	\$ _____
<input checked="" type="checkbox"/> Three months (37 CFR 1.17(a)(3))	\$1020	\$510	\$ 1020
<input type="checkbox"/> Four months (37 CFR 1.17(a)(4))	\$1590	\$795	\$ _____
<input type="checkbox"/> Five months (37 CFR 1.17(a)(5))	\$2160	\$1080	\$ _____

☐ Applicant claims small entity status. See 37 CFR 1.27.☐ A check in the amount of the fee is enclosed.☐ Payment by credit card. Form PTO-2038 is attached.☐ The Director has already been authorized to charge fees in this application to a Deposit Account.☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number 50-1119. I have enclosed a duplicate copy of this sheet.WARNING: Information on this form may become public. Credit card information should not be included on this form.  
Provide credit card information and authorization on PTO-2038.I am the ☐ applicant/inventor.☐ assignee of record of the entire interest. See 37 CFR 3.71.  
Statement under 37 CFR 3.73(b) is enclosed (Form PTO/SB/96).☒ attorney or agent of record. Registration Number 33,549☐ attorney or agent under 37 CFR 1.34.  
Registration number if acting under 37 CFR 1.34 \_\_\_\_\_

Signature

John L. Rogitz

Typed or printed name

Date

619.338.8075

Telephone Number

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☒ Total of 1 forms are submitted.

This collection of information is required by 37 CFR 1.136(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 8 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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MAY 18 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Applicant: Kimble	)	Art Unit: 2174
	)	
Serial No.: 09/775,692	)	Examiner: Ke
	)	
Filed: February 2, 2001	)	50N3463.01
	)	
For: WEB BROWSER PLUG IN FOR TV	)	January 26, 2006
	)	750 B STREET, Suite 3120
	)	San Diego, CA 92101
	)	

RESPONSE TO OFFICE ACTION

Commissioner for Patents  
Alexandria, VA

Dear Sir:

This response to the Office Action dated May 2, 2005 is accompanied by the requisite petition to revive, extension fees, and revival fees.

Reconsideration of the above-captioned application is respectfully requested. All currently pending claims except for Claim 23 have been rejected under 35 U.S.C. §102 as being anticipated by Anderson et al., USPN 6,219,042, and Claim 23 has been rejected under 35 U.S.C. §103 as being unpatentable over Anderson et al. in view of Houghton et al., USPN 6,757,707. The rejections are traversed for the following reasons.

Anderson et al., col. 1, line 56 through col. 2, line 21 has been used as a teaching of displaying a video content frame within a Web browser content frame in a windowless environment. This allegation is incorrect. The relied-upon portion of Anderson et al. simply discusses toggling between a TV mode and an Internet mode

1168-176.AMD

CASE NO.: 50N3463.01  
Serial No.: 09/775,692  
January 26, 2006  
Page 2

PATENT  
Filed: February 2, 2001

(col. 2, lines 15-18). It says nothing about combining a video frame in a Web frame. For this reason, the rejections are overcome.

Anderson et al., col. 4, lines 53-68 has been used as a teaching of generating a transparent section in browser based content frame. This allegation is incorrect. The relied-upon section discusses totally different concepts, namely, a pop-up button bar that can be used to select favorite TV channels, or to select a TV planner for planning TV viewing, or to select a VCR, or to select a list of Web sites that are associated with TV channels. But there is absolutely nothing about transparent sections, much less transparent sections in browser based content frames. For this reason, the rejections are overcome.

Anderson et al., col. 5, lines 15-24 has been used as a teaching of overlapping video into the transparent section. This allegation is incorrect. The relied-upon portion of Anderson et al. only discusses that in the Internet mode, a TV window 98 can be displayed during Internet browsing, but nothing in this section states that the window 98 is overlaid into a transparent section, as opposed to being superimposed onto Web content, much less does Anderson et al. enable one how to render the claimed transparent section. Since Anderson et al. does not teach all claimed limitations and since in any case it evidently is not enabling, the rejections are overcome (see MPEP §2121; since Anderson et al. does not even mention the word "transparent", how can it enable a transparent section of a browser display?)

The fact that Applicant has focussed its comments distinguishing the present claims from the applied references and countering certain rejections must not be construed as acquiescence in other portions of rejections not specifically addressed.

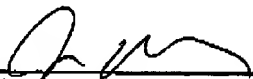
1168-176.AMD

CASE NO.: 50N3463.01  
Serial No.: 09/775,692  
January 26, 2006  
Page 3

**PATENT**  
Filed: February 2, 2001

The Examiner is cordially invited to telephone the undersigned at (619) 338-8075 for any reason which would advance the instant application to allowance.

Respectfully submitted,

  
\_\_\_\_\_  
John L. Rogitz  
Registration No. 33,549  
Attorney of Record  
750 B Street, Suite 3120  
San Diego, CA 92101  
Telephone: (619) 338-8075

JLR:jg

1168.176.AMD

The U.S. Patent & Trademark Office acknowledges receipt of the following enclosures and assigns the serial number and/or date stamped hereon:

First named  
Inventor: David Michael Kimble  
Serial No.: 09/775,692  
Filed: February 2, 2001  
Docket No.: 50N3463.01



Enclosures:

1. Transmittal letter
2. Revocation of Power of Attorney with New Power of Attorney and Change of Correspondence Address

Date Mailed: January 12, 2006  
1168.176

ROGITZ & ASSOCIATES  
Symphony Towers  
750 "B" Street, Suite 3120  
San Diego, California 92101



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## UNDER 37 CFR 1.53(b)

<b>Address to:</b>  Commissioner for Patents  Mail Stop: Amendment  P.O. Box 1450  Alexandria, VA 22313	<b>Attorney Docket No.</b>	50N3463.01
	<b>Inventor(s)</b>	David Michael Kimble
	<b>Serial No.</b>	09/775,692
	<b>Filed:</b>	February 2, 2001
	<b>Art Unit</b>	2174
	<b>Total Pages</b>	2
	<b>Customer No.</b>	36738

**TRANSMITTAL LETTER FOR - REVOCATION OF POWER OF ATTORNEY  
WITH NEW POWER OF ATTORNEY  
AND CHANGE OF CORRESPONDENCE ADDRESS***Transmitted herewith are the following:*

- ☒ Revocation of Power of Attorney with New Power of Attorney and Change of Correspondence Address  
☒ Acknowledgment postcard

Respectfully submitted,

  
\_\_\_\_\_  
John L. Rogitz, Atty. of Record, Reg. No. 33,549  
750 "B" Street, Suite 3120, San Diego, CA 92101  
Telephone: (619) 338-8075**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service, First Class Mail, postage fully prepaid, under 37 CFR 1.8, addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA on January 12, 2006

Date Signed: January 12, 2006  
\_\_\_\_\_  
Jeannette Gahagan

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<b>REVOCATION OF POWER OF ATTORNEY WITH NEW POWER OF ATTORNEY AND CHANGE OF CORRESPONDENCE ADDRESS</b>	Application Number	08/775,892
	Filing Date	02/02/2001
	First Named Inventor	KIMBLE
	Art Unit	2174
	Examiner Name	PENG KE
	Attorney Docket Number	60N3463.01

I hereby revoke all previous powers of attorney given in the above-identified application.

☐ A Power of Attorney is submitted herewith.

OR

☒ I hereby appoint the practitioners associated with the Customer Number: 36738

☒ Please change the correspondence address for the above-identified application to:

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I am the:

☐ Applicant/Inventor.

☒ Assignee of record of the entire interest. See 37 CFR 3.71.  
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/36)

**SIGNATURE of Applicant or Assignee of Record**

Signature

Name

HAROLD T. FUJII

Date

5/11/2006

Telephone

(408) 955-1898

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☒ Total of 1 forms are submitted.

This collection of information is required by 37 CFR 1.36. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 38 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 8 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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0003

## Fee History Report

Page 1 of 1

# RAW Fee History Query

## Revenue Accounting and Management

Name/Number: 09775692

Total Records Found: 10

Start Date: Any Date

End Date: Any Date

Accounting Date	Sequence Num.	Fee Type	Fee Code	Fee Amount	Mailroom Date	Payment Method
05/17/2006	00000005	1	1253	\$1,020.00	05/17/2006	DA 193195 *
05/17/2006	00000006	1	1453	\$1,500.00	05/17/2006	DA 193195 *
02/09/2006	00000020	1	1806	\$180.00	02/09/2006	CC
05/18/2004	00000094	1	1253	\$950.00	05/17/2004	DA 501119
09/14/2001	00000195	1	581	\$40.00	09/10/2001	DA 501119
09/06/2001	00000067	1	105	\$130.00	09/04/2001	DA 501119
09/06/2001	00000068	1	116	\$390.00	09/04/2001	DA 501119
02/08/2001	00000006	1	101	\$710.00	02/02/2001	DA 501119
02/08/2001	00000007	1	102	\$480.00	02/02/2001	DA 501119
02/08/2001	00000008	1	103	\$180.00	02/02/2001	DA 501119

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